

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Daniel J. Von Seggern	Art Unit:	1648
Application No.:	10/808,758	Examiner:	B. P. Blumel
Filing Date:	March 24, 2004	Conf. No.:	6593
Title:	ADENOVIRUS PARTICLES WITH ENHANCED INFECTIVITY OF DENDRITIC CELLS AND PARTICLES WITH DECREASED INFECTIVITY OF HEPATOCYTES		

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO THE RESTRICTION REQUIREMENT

Sir:

Responsive to the Restriction Requirement mailed June 4, 2008, and the Office Communication mailed October 8, 2008, Applicants elect, **with traverse**, Group I, Claims 1-28 and 34-40, drawn to an adenovirus particle composition, the nucleic acid which encodes for the particle and a cell that contains the nucleic acid.

Applicants further elect subgroup D adenovirus and adenovirus serotype 37. Applicants submit that claims 1, 8, 11, 25, 30, 41 and 44, amended herein, read on the elected subgroup D. Applicants also elect serotype 5 as the specific subgroup C serotype for the species election. Applicants submit that claims 4, 16, 17 and 45 read on the elected subgroup C.

Applicants traverse the election of the specific effect a modification has on the fiber protein as in claims 5, 6, and 7. However, to be fully responsive to the election of species requirement, Applicants elect heparin sulfate proteoglycan (HSP) interaction. Applicants submit that claims 6, 10, 13, 19, 25, and 47 read on the elected HSP interaction. The election of species is traversed, because a thorough search of the specific elected serotype, serotype 37 of subgroup D adenovirus, will include art relevant to the specific effect a modification has on the fiber protein. The modification effect would have a common virus, serotype 37 of subgroup D

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adenovirus. Therefore, Applicants submit that search and examination of the modification effects of one serotype of adenovirus does not pose a serious burden to the Examiner. Reconsideration of the election requirement is respectfully requested.

No fee is deemed necessary with the filing of this paper. However, the Commissioner is hereby authorized to charge any fees that may be due in connection with the filing of this paper, or credit any overpayment to Deposit Account No. 07-1896, referencing the above-identified docket number.

Respectfully submitted,

Date: November 7, 2008



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